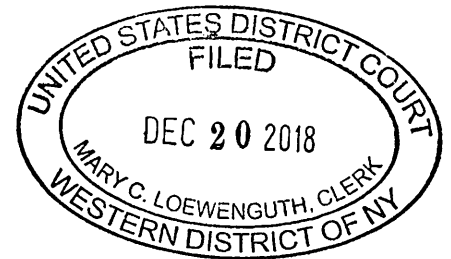


Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

18 CV 6932 CJS

A. Full Name And Prisoner Number of Plaintiff: NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. James Dean Kendrick #19301055

2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. Maria Denise Troche (Melendez)4. Randy Benjamin2. Jeffrey Lafave5. Matthew Schwartz3. Jason Vaughn6. Sandra Doorley7. Rochester Police Department2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: James Dean Kendrick #19301055Present Place of Confinement & Address: USP Allenwood, U.S. Penitentiary, P.O. Box 3000, White Deer, PA 17887

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Maria Denise Troche (Melendez)

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in ☒ Individual and/or _____ Official Capacity

Address of Defendant: 510 Augustine St., Rochester, New York
14613

Name of Defendant: Jeffrey Lafave

(If applicable) Official Position of Defendant: Officer

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: 150 S. Plymouth Ave.; or 85 Exchange Blvd., Public Safety
Building, Rochester, N.Y. 14614 (or 99 Exchange Blvd.)

Name of Defendant: Jason Vaughn

(If applicable) Official Position of Defendant: Officer

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: 150 S. Plymouth Ave.; or 85 Exchange Blvd., Public Safety
Building, Rochester, N.Y. 14614 (or 99 Exchange Blvd.)

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes _____ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

DEFENDANT'S INFORMATION

Name Of Defendant: Randy Benjamin

(If Applicable) Official Position Of Defendant: Investigator

(If Applicable) Defendant Is Sued In ☒ Individual Capacity ☒ And/Or
☒ Official Capacity

Address of Defendant: 150 S. Plymouth Ave.; or 85 Exchange
Bld., Public Safety Building, Rochester, N.Y. 14614
(or 99 Exchange Blvd.)

DEFENDANT'S INFORMATION

Name Of Defendant: Matthew Schwartz

(If Applicable) Official Position Of Defendant: Assistant D.A.

(If Applicable) Defendant Is Sued In ☒ Individual Capacity ☒ And/Or
☒ Official Capacity

Address Of Defendant: 47 South Fitzhugh St., Rochester,
N.Y. 14614

DEFENDANT'S INFORMATION

Name Of Defendant: Sandra Doorley

(If Applicable) Official Position of Defendant: District Attorney

(If Applicable) Defendant Is Sued In ☒ Individual Capacity ☒ And/Or
☒ Official Capacity

Address Of Defendant: 47 South Fitzhugh St., Rochester,
N.Y. 14614

DEFENDANT'S INFORMATION

Name Of Defendant: Rochester Police Department

(If Applicable) Official Position Of Defendant: _____

(If Applicable) Defendant Is Sued In (☒) Individual Capacity And/Or
(☒) Official Capacity

Address of Defendant: 150 S. Plymouth Ave.; or 85 Exchange
Blvd. Public Safety Building, Rochester, N.Y. 14614
(or 99 Exchange Blvd.)

DEFENDANT'S INFORMATION

Name Of Defendant: _____

(If Applicable) Official Position Of Defendant: _____

(If Applicable) Defendant Is Sued In () Individual Capacity And/Or
() Official Capacity

Address Of Defendant: _____

DEFENDANT'S INFORMATION

Name Of Defendant: _____

(If Applicable) Official Position of Defendant: _____

(If Applicable) Defendant Is Sued In () Individual Capacity And/Or
() Official Capacity

Address Of Defendant: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

_____ Dismissed (check the box which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to exhaust administrative remedies;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes _____ No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|----------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • <u>False Arrest</u> | • Malicious Prosecution |
| • <u>Due Process</u> | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) January 14, 2010, and through January 20, 2010,
defendant (give the **name and position held of each defendant** involved in this incident) Maria Denise
Troche (Melendez); Jeffrey Lafave, Officer; Jason Vaughn,
Officer; Randy Benjamin, Investigator.

did the following to me (briefly state what each defendant named above did): conspired to manufacture false evidence for use against me in criminal proceedings, while the case was in the investigative stages, and while the officers were acting in an investigative capacity, said false evidence was then used to deprive me of my liberty. The defendants conspired, acted in concert, and aided and abetted each other to do whatever was necessary, lawful or not, to cause my arrest and

The constitutional basis for this claim under 42 U.S.C. § 1983 is: and 42 U.S.C. § 1985; is a violation of Due Process Clause, Fifth (5th) and Fourteenth Amendment.

The relief I am seeking for this claim is (briefly state the relief sought): Compensatory and punitive damages, Monetary payment for the time spent in jail, and for duress and mental anguish.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes ✓ No If yes, what was the result? _____

Did you appeal that decision? Yes ☒ No ☐ If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: After being detained without bail for seven (7) years, the charge was finally presented to

Note : This section has been continued on another sheet of paper.

A. SECOND CLAIM: On (date of the incident) January 14, 2010.
defendant (give the **name and position held** of **each defendant** involved in this incident) Jeffrey
Lafave, Officer ; Jason Vaughn, Officer, Rochester Police
Department.

Continued :

A. FIRST CLAIM :

defendant _____

did the following to me : continued detention, and that throughout the period of the conspiracy, the defendants gave untruthful, erroneous, incomplete and/or misleading statements and testimony against me. This Claim is supported by the evidence in all following Claims.

The constitutional basis for this claim under 42 U.S.C. § 1983 is : False Arrest

The relief I am seeking for this claim is : _____

Exhaustion of Your Administrative Remedies for this Claim :

If you did not exhaust your administrative remedies, state why you did not do so : a grand jury, at which time (on or about December 20, 2016) the grand jury refused to indict the charge (No-Bill).

did the following to me (briefly state what each defendant named above did): while acting in an investigative capacity, and while the case was in the investigative stages, the defendants did manufacture false evidence against me in the form of a dying declaration, to be used against me in criminal proceedings. Both defendants Jeffrey Lafave, and Jason Vaughn fabricated a dying declaration claiming that the victim, Jose Troche, identified me as the person that shot him.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Due Process, Fifth (5th) Amendment, Fourteenth (14th) Amendment, False Arrest.

The relief I am seeking for this claim is (briefly state the relief sought): Compensatory and Punitive damages, Monetary payment for the time spent in jail, and for duress and mental anguish.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes ☒ No If yes, what was the result? _____

Did you appeal that decision? Yes ☒ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: After being detained without bail for seven (7) years, the charge was finally

Note: This section has been continued on another sheet of paper.

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

I want compensatory and punitive damages, monetary payment for the time spent in jail, and for duress and mental anguish.

Do you want a jury trial? Yes ☒ No

continued :

A. SECOND CLAIM :

defendant _____

did the following to me : Defendant, Rochester Police
Department became aware of the wrong but did
not try to fix it.

The constitutional basis for this claim under 42 U.S.C.
§ 1983 is : _____

The relief I am seeking for this claim is : _____

Exhaustion of Your Administrative Remedies for this Claim:

If you did not exhaust your administrative remedies,
state why you did not do so : presented to a
grand jury, at which time (on or about December 20, 2016) the
grand jury refused to indict the charge (No-Bill).

A. Third Claim :

defendant Maria Denise Troche (Melendez), Officer
Jason Vaughn

did the following to me : gave perjured testimony
at a preliminary hearing to secure my continued
detention. Defendant Maria Denise Troche gave perjured
testimony to establish a motive. Defendant Jason Vaughn gave
perjured testimony that he heard the victim, Jose Troche, identify
me as the person that shot him, said victim said James Kendrick.

The constitutional basis for this claim under 42
U.S.C. § 1983 is : Due Process, Fifth (5th) Amendment
Fourteenth (14th) Amendment.

The relief I am seeking for this claim is :
Compensatory and punitive damages, monetary payment for the time
spent in jail, and for duress and mental anguish.

Exhaustion of your administrative Remedies for this Claim:
No ; N/A

If you did not exhaust your administrative remedies
state why you did not do so : After being detained
without bail for seven (7) years, the charge was finally presented
to a grand jury, at which time (on or about December 20, 2016) the
grand jury refused to indict the charge (No-Bill).

A. Fourth Claim : On or about January 14, 2010 and continuing through December 20 to December 22, 2016.

defendant Matthew Schwartz, Sandra Doorley

did the following to me : after serving a subpoena for a surveillance video which proved that I did not shoot the victim, both defendants Matthew Schwartz and Sandra Doorley refused to drop the charge, ask the court for my release from custody, and refused to present the case to a grand jury for a possible indictment.

The constitutional basis for this claim under 42 U.S.C. § 1983 is : Due Process, Fifth (5th) Amendment Fourteenth (14th) Amendment.

The relief I am seeking for this claim is : compensatory and punitive damages, Monetary payment for the time spent in jail, and for duress and mental anguish.

Exhaustion of your administrative Remedies for this Claim:
No; N/A

If you did not exhaust your administrative remedies state why you did not do so : After being detained without bail for seven (7) years, the charge was finally presented to a grand jury, at which time (on or about December 20, 2016) the grand jury refused to indict the charge (No-Bill).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 14, 2018
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

James Dean Kendrick
James Dean Kendrick

Signature(s) of Plaintiff(s)

Continued :

Civil Cover Sheet

Defendants

Randy Benjamin
Matthew Schwartz
Sandra Doorley
Rochester Police Department

18 CV 6932 CJS

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James Dean Kendrick

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James Dean Kendrick, Pro Se (#19301055)
 USF Allenwood
 U.S. Penitentiary, P.O. Box 3000
 White Deer, PA 17887

DEFENDANTS Maria Denise Troche (Melendez);
 Jeffrey Lafave;
 Jason Vaughn;

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

"42 U.S.C. § 1983, Civil Rights Action"; 42 U.S.C. § 1985"

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

7,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

December 14, 2018

James Dean Kendrick, "Pro Se" #19301055

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.